

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

TERYSA M. WELCH,  
  
Plaintiff,

vs.

No. \_\_\_\_\_

CITY OF ALBUQUERQUE, a New Mexico  
Municipality; RAYMOND SCHULTZ,  
ELIZABETH PAIZ, WILLIAM ROSEMAN,  
JOSEPH HUDSON, DAVID HUBBARD, ROBERT  
SMITH, CECIL KNOX, J.R. POTTER, KEVIN  
GAGNE, SUE NEAL, JOHN DOES I-V, Individually  
And as agents and employees of the City of Albuquerque,

Defendants.

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441(b) and 1446(a), the City of Albuquerque gives Notice of Removal to this Court of the civil action filed in the Second Judicial District of New Mexico, County of Bernalillo, Cause No. CV-2011-06829, by Terysa M. Welch, against the City of Albuquerque, Raymond Schultz, Elizabeth Paiz, William Roseman, Joseph Hudson, David Hubbard, Robert Smith, Cecil Knox, J.R. Potter, Kevin Gagne, Sue Neal, John Does I-V, and as grounds states:

1. On July 7, 2011, the Complaint for Deprivation of Civil Rights Pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sections 1983 and 1985, and the New Mexico Human Rights Act was filed in this action. A copy of the Complaint is attached as Exhibit A.
2. The claims stated against the City of Albuquerque in this case are subject to the jurisdiction of this Court pursuant to 28 U.S.C. § 1331 and are removable pursuant to 28 U.S.C.

§ 1441(b) because the Complaint is founded on a claim or right arising under the Constitution, treaties, or laws of the United States.

3. An actual controversy exists because the Complaint alleges the City of Albuquerque deprived Plaintiff of her constitutional rights pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1983 and 1985 and the New Mexico Human Rights Act.

4. This Notice is filed in this Court within thirty days after receipt of the Summons and Complaint on the Defendants, as required by 28 U.S.C. §446(b).

5. Pursuant to 28 U.S.C. § 1446(d), copies of the Notice of Removal will be promptly given to all adverse parties and a copy of the Notice of Removal will be filed with the Clerk of the Second Judicial District Court, County of Bernalillo, State of New Mexico.

6. A copy of all process and pleadings that have been served upon City of Albuquerque are attached in this Notice of Removal.

7. Defendant hereby demands a trial by a twelve (12) person jury on all issues contained herein.

Respectfully submitted:

**CITY OF ALBUQUERQUE**

Robert D. Kidd, Jr.  
Interim City Attorney

/s/ Michael I. Garcia

Michael I. Garcia  
Rebecca E. Wardlaw  
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I hereby certify that on 10<sup>th</sup> day of August, 2011, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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/s/ Michael I. Garcia  
Michael I. Garcia